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Utilities, Inc. of Central Nevada

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA**

In re:  
  
CALDERA P & G

Debtor.

Case No.: 12-22484-btb  
Chapter 11

**DECLARATION OF WENDOLYN S.W.  
BARNETT IN SUPPORT OF  
UTILITIES, INC. OF CENTRAL  
NEVADA'S RESPONSE IN SUPPORT  
OF DEBTOR'S MOTION TO APPOINT  
A TRUSTEE**

**Hearing date: November 13, 2012  
Hearing time: 11:00 AM**

WENDOLYN S. W. BARNETT, being first duly sworn under oath, deposes and says:

1. I am the Regional Director, West, for Utilities, Inc. of Central Nevada ("UICN").

I make this declaration in support of UICN's Response In Support Of Debtor's Motion To Appoint A Trustee. The matters set forth in this declaration are based on my own personal knowledge. If called upon to testify, I am competent to testify as to the matters set forth herein.

2. The Debtor in this case is the owner of the Willow Creek Golf Course in Pahrump, Nevada.

3. UICN's Waste Water Treatment Plant Number 3 ("WWTP 3") borders the Willow Creek Golf Course.

4. UICN depends upon the Willow Creek Golf Course's use, distribution and storage

1 of the effluent to operate WWTP 3 which discharges approximately 600,000 gallons of effluent  
2 each day in order for UICN to provide service to over 2,000 customers in Pahrump including the  
3 local hospital.

4 5. For several years, UICN has been involved in litigation with Mr. Jim Scott and his  
5 various entities including Caldera P&G regarding the interpretation and enforcement of Tri-  
6 Partite Agreement.  
7

8 6. The golf course irrigation and distribution of this effluent requires active  
9 management by personnel familiar with operation of the irrigation system at Willow Creek.  
10 According to testimony provided by Jim Scott on Wednesday, November 7, 2012 in the Nevada  
11 District Court in and for Nye County, the individual responsible for doing this will no longer be  
12 employed to continue his work at the golf course after today, November 9, 2012. This leaves me  
13 extremely concerned that no one will be monitoring the water levels at the Willow Creek Golf  
14 Course ponds or ensuring continuous use and distribution of the effluent. If that occurs, the  
15 ponds could overflow and, among other things, flood nearby homes.  
16

17 7. Although Debtor does not operate the Willow Creek property as a golf course,  
18 UICN continues to use the ponds to store treated effluent. If the effluent is not used for irrigation  
19 at Willow Creek and circulated from the receiving ponds to the other storage ponds, the ponds  
20 will overflow and cause a human health emergency. Further, if UICN cannot discharge its  
21 treated effluent to the Willow Creek Golf Course (if the ponds are too full) then it could be  
22 forced to suspend service to its more than 2,000 customers in Pahrump, which include schools  
23 and the local hospital.  
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25 8. Caldera P&G's failure to remediate the golf course ponds as required under order  
26 of the State District Court of Nevada has created a health and public safety hazard.  
27

28 I declare under penalty of perjury under the laws of the State of Nevada that the

1 foregoing is true and correct and was executed this 9th day of November, 2012.

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5 WENDOLYN S. W. BARNETT  
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